MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JANUARY 18, 2011 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Director Don Hutchings, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Steve Tyler, Andre' Good, Don Hutchings, George Catsavis, Pam Weber, Kevin Settle and Philip H. Merry Jr. The Mayor declared a quorum present.

The Mayor inquired if any Board member had an item of business to present that was not already on the agenda. There was none presented.

The minutes of the January 4, 2011 regular meeting and January 11, 2011 special meeting were presented for approval. Settle, seconded by Weber, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Item No. 1 was a presentation by Karen Hollenbeck, Principal of St. Boniface Catholic School, who addressed the Board on behalf of the Girl Scout Council Diamonds of Arkansas, Oklahoma and Texas. Girl Scout cookie sales are ongoing; therefore, the following girls from two Girl Scout troops, 1st through 5th grades, presented cookies to the Mayor and Board:

- Kathryn Kaelin
- Ashlyn Teague
- Bridget Teague
- Claire Hollenbeck
- Grace Hollenbeck
- Rachel English
- Lauren English
- Marley Wahl

- Jordan Goetes
- Linda Kaelin (leader)

The Consent Agenda (Item No. 2) was introduced for consideration, the items being as follows:

A. Resolution authorizing payment to the Arkansas State Highway and Transportation Department for the Highway 45 Widening Project between Phoenix Avenue and Zero Street, Project No. 08-01-A, AHTD Job No. 040238, 2011 Sales Tax Program ($5,034,342.31)

B. Resolution accepting completion of and authorizing final payment for construction of Street Overlays/Reconstruction, Project No. 10-03-E ($139,639.23)

C. Resolution authorizing a time extension and assessing liquidated damages for the construction of Street Overlays/Reconstruction, Project No. 09-03-A ($13,500.00)

D. Resolution accepting completion of and authorizing final payment for the construction of Street Overlays/Reconstruction, Project No. 09-03-A ($42,691.10)

E. Resolution accepting completion of and authorizing final payment for landfill construction of Phase 5 landfill disposal area expansion at the Fort Smith Landfill ($127,044.64)

F. Resolution authorizing a contract amendment with RSR Design & Reconstruction for the remodel of the Department of Sanitation administration office building ($23,364.75)

G. Resolution accepting completion of and authorizing final payment for the remodel of the Department of Sanitation administration office building ($11,141.39)

H. Resolution authorizing the purchase of computer software for use in mobile data terminals in the River Valley Mobile Data System Project ($82,932.00)

I. Resolution authorizing the purchase of network equipment and installation for use in the River Valley Mobile Data System Project ($57,872.95)

J. Resolution authorizing partial payment to Crossland Heavy Contractors, Inc. for construction of the Lake Fort Smith Water Treatment Plant – Contract 3 ($644,793.06)

K. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for the Neighborhood Water System Improvements – North 66th Street, Old Greenwood Lane and Duncan Road ($57,752.39)

L. Resolution authorizing Change Order Number One with T-N-T, Inc. for the Hurricane Creek Water Line Relocation ($31,926.08)

M. Resolution accepting the project as complete and authorizing final payment to T-N-T, Inc. for the Hurricane Creek Water Line Relocation ($50,872.13)

N. Resolution accepting the project as complete and authorizing final payment to T-N-T, Inc. for the Lake Fort Smith Water Transmission Line Easement Clearing and Location Project ($11,504.44)

Regarding Items No. 2B, & 2D Director Tyler questioned the estimated percentage of associated drainage included within the street overlay projects and if such included sidewalks. Within his three years in office, he has never had a citizen request a street be resurfaced.

Director of Engineering Stan Snodgrass advised drainage costs vary from project to project; however, such costs are typically in the 10 to 20 percent range at most. No new sidewalks were included in the projects as only minor sidewalk adjustments/repairs were needed.

Regarding Item No. 2E, Director Settle requested confirmation that the expansion will extend landfill capacity to year 2015.

Director of Sanitation Baridi Nkokheli noted such is actually expected to extend landfill capacity past 2015, whereby Director Settle conveyed much enthusiasm and noted the public should be made aware.

Regarding Item No. 2G, the following individuals were present to address the Board:

- Brian Horton, Brian Horton Electric
  1201 North 24th
  Van Buren, AR 72956

  Re: Advised he is a sub contractor on said project and alleged he has not been paid by RSR, who is 60 days past due. In order to ensure he receives payment for his services, he requested the check be made payable to both RSR and Brian Horton Electric.

- Joey Miller, JM Supply

  Re: Merely confirmed Mr. Horton's comments and noted JM Suppy, who provided lighting for the project, also maintains unpaid invoices.

Director of Development Services Wally Bailey (standing in for City Administrator Ray Gosack),noted that City of Fort Smith procedures do not allow for the issuance of two-party checks, but requested City Attorney Jerry Canfield and Director of Sanitation Baridi Nkokheli address their concerns.

Mr. Jerry Canfield advised all contracts executed by the City include procedures for the City to receive lien releases from the material men and suppliers involved in the project, prior to the city making the final payment to the contractor. He conveyed much assurance that said procedures were followed; however, such will be confirmed.

Mr. Nkokheli confirmed the lien release had been received from RSR Construction, which releases the City from any further liability on the project and no additional liens can be placed against the work performed. Such lien release must be received before final payment is presented to the Board. The lien release was reviewed by the City Attorney and no discrepancies were identified; however, if the Board so desires, a reevaluation can be done before any monies are released.

Director Catsavis inquired as to a guarantee from the contactor in regards to removal of any hidden dangers such as mold, and all issues have been addressed and satisfactorily resolved. He further inquired who will inspect the work.

Mr. Nkokheli advised the contract has a one-year warranty on all work performed. City of Fort Smith inspectors, as well as the architect, have completed their preliminary inspections; however, the final inspection has yet to occur. Upon approval of the resolution, no monies will be disbursed until such is accomplished.

Good, seconded by Catsavis, moved approval of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted with resolutions given No. R-7-11 through R-19-11 respectively.

Mayor Sanders opened the Officials Forum with the following comments offered:

- Mayor Sanders

    1. Re: Advised J.C. Watts of Watts Partners, the City's lobbyist in Washington, D.C., is the keynote speaker at the Chamber of Commerce annual meeting at 11:30 a.m. on Friday, January 28 at the Holiday Inn. Mr. Watts has requested the opportunity to address the Mayor and Board prior to the aforementioned event to advise of the lobbying strategy for 2011. Mayor Sanders requested Board concurrence and recommended a special study session be called for 10:00 a.m., Friday, January 28 at the Chamber of Commerce offices.

        Weber, seconded by Settle, moved for a special study session as noted above. The members all voting aye, the Mayor declared the motion carried.

    2. Announced a forthcoming proclamation declaring February 7, 2011 through February 12, 2011 as University of Arkansas, Fort Smith Homecoming week.

3. Extended much appreciation to Directors Tyler, Good and Merry for participation in the Martin Luther King Jr. Day Parade on January 17, 2011.

► Director Settle

Re: Reminded all of the time and location change of the regular meeting February 1, 2011 at the Elm Grove Community Center at 12:00 Noon, to allow members of the Board of Directors to attend the bi-annual reception with state legislators hosted by the Chamber of Commerce the evening of February 1.

► Director Weber

Re: Extended congratulations to Alyse Eady for her accomplishment in achieving first runner up in the 2011 Miss America pageant.

Mayor Sanders noted that arrangements are currently being made to formally recognize Ms. Eady upon her return to Fort Smith; however, the date has yet to be determined. He further extended much appreciation to the individuals who welcomed her parents home at the Fort Smith Regional Airport the evening of January 17th.

► Director Tyler

Re: On behalf of the city of Fort Smith, he recently accepted the Volunteer Community of the Year Award at the Arkansas Municipal League Winter Convention in Little Rock. He extended much appreciation to the citizens of Fort Smith for their giving spirit and formally presented the award to Mayor Sanders.

► Director Merry

Re: Recognized Gus Malzahn, former University of Arkansas offensive coordinator and current offensive coordinator at Auburn University and Kodi Burns, Fort Smith native and graduate of North Side High School and current wide receiver for Auburn University, for winning the 2011 BCS National Championship.

Advised of multiple comments from citizens opposing the recent water rate increase; however, he conveyed much assurance that such increase was necessary. An intense water and sewer rate study is currently underway and the results of such are scheduled for review at the February 8, 2011 study session.

► Mr. Bailey

Re: Advised of multiple items relative to Middleton Farms and Old Harrison Lane are scheduled for consideration at the February 1, 2011 regular meeting. This meeting was rescheduled to occur at 12:00 Noon rather than 6:00 p.m.; therefore, he expressed concern with addressing the items at this meeting. Due to prior Board action, the items must be on the February 1 regular meeting agenda; therefore, he recommended the Board consider tabling consideration to the February 15, 2011 regular meeting, which will be held at the regularly scheduled time of 6:00 p.m. This will better allow nearby residents to attend the meeting and voice their concerns.

An executive session was held and after reconvening, Mayor Sanders announced the following appointment nominations:

CONVENTION CENTER COMMISSION
Robert S. Laser
(to fill unexpired term of Juan Martinez)
Term expires August 31, 2013

FORT SMITH HOUSING AUTHORITY
Linda Edwards *(reappointed)*
Term expires March 3, 2016

PLANNING COMMISSION
Salvatore Salamone
(to fill the unexpired term of Pam Weber)
Term expires April 30, 2012

SEBASTIAN COUNTY REGIONAL SOLID WASTE MANAGEMENT BOARD
Bruce King *(reappointed)*
Term expires January 21, 2014

Hutchings, seconded by Weber, moved acceptance of the appointment nominations. The members all voting aye, the Mayor declared the motion carried.

Mayor Sanders opened the Citizens Forum with no individual present to address the Board.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Catsavis and the members all voting aye, the Mayor declared the motion carried, and the meeting stood adjourned.

APPROVED:

MAYOR

ATTEST:

CITY CLERK